இணைப்பு II

[64 ஆம் பக்கத்தில் இனம் 4(2)-க்கான அடிக்குறிப்பைக் காண்க]

L.A. Bill No. 23 of 1975.

(As passed by the Assembly)

A Bill further to amend the Tamil Nadu Registration of Habitual Offenders Act, 1948.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-sixth Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Restriction of Habitual Offenders (Amendment) Act, 1975.

(2) It shall come into force on such date as the Government may, by notification, appoint.

2. *Amendment of section* 2, *Tamil Nadu Act VI of* 1948.—In section 2 of the Tamil Nadu Restriction of Habitual Offenders Act, 1948 (Tamil Nadu Act VI of 1948) (hereinafter referred to as the principal Act),—

(1) in clause (4),—

(*a*) for the expression " for one or another of the offences under the Indian Penal Code (Central Act XLV of 1860) set forth in the Schedule ". the expression " for any one or more of the Scheduled offences " shall be substituted;

(*b*) in the explanation, for the expression " the Code of Criminal Procedure, 1898 (Central Act V of 1898) ", the expression " the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) " shall be substituted;

(2) after clause (7), the following clause shall be inserted, namey :—

" (7-A) ' scheduled offence ' means an offence specified in the Schedule; ".

3. *Substitution of new section for section 3 in Tamil Nadu Act VI of* 1948.—For section 3 of the principal Act, the following section shall be substituted, namely :—

" 3. *Power of Government to notify habitual offenders.*—(1) The Government may, by notification, if they are satisfied that any person is a habitual offender declare that he shall be subject to the provisions of this Act to such extent and subject to such restrictions, if any, as may be specified in the notification.

(2) Every notification issued under sub-section (1) shall be in force for a period of five years from the date of the publication of such notification, but the Government may, by notification, at any time before the expiry of the said period, cancel or modify any notification issued under sub-section (1).

(3) The cancellation of a notification on the expiry of the period of five years, under sub-section (2) shall not be deemed to affect the power of the Government under sub-section (1) to issue a notification in respect of a habitual offender as often as he is sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, for any one or more of the scheduled offences at any time after such cancellation or expiry.

(4) Notwithstanding anything contained in sub-section (2), where a notified offender is sentenced to a substantive term of imprisonment, such sentence not having been set aside in appeal or revision, for any one or more of the scheduled offences, the Government may direct that the notification issued under sub-section (1) in respect of such notified offender shall be in force for a further period of five years from the date of his release from such imprisonment.

(5) Before any notification is issued in respect of any person under sub-section (1), or modified to his disadvantage under sub-section (2), or before any direction is issued in respect of any notified offender under sub-section (4), a reasonable opportunity shall be given to him to show cause against such issue, modification or direction, as the case may be.".

4. *Amendment of section* 6, *Tamil Nadu Act VI of* 1948.—In section 6 of the principal Act, in sub-section (1), for the words "If in the opinion of the Government it is expedient to do so",

the words " If in the opinion of the Government it is necessary or expedient in the interests of the general public so to do, " shall be substituted.

5. *Amendment of section* 11, *Tamil Nadu Act VI of* 1948.—In section 11 of the principal Act,—

(1) in sub-section (2), after clause (*a*), the following clause shall be inserted, namely :—

" (*aa*) the manner and method of service of notification on the notified offender concerned; ";

(2) for sub-section (3), the following sub-sections shall be substituted, namely :—

" (3) All rules made under this Act shall be published in the *Tamil Nadu Government Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(5) Every rule made or notification issued as soon as possible, after it is made, or issued, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session, in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree that the rule or notification should not be made or issued, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification ".

6. *Insertion of new sections* 15-*A and* 15-*B in Tamil Nadu Act VI of* 1948.—After section 15 of the principal Act, the following sections shall be inserted, namely :—

"15-*A*. *Protection of action taken in good faith*.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

(2) No suit or other legal proceeding shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

15-B. *Power to amend Schedule.*—(1) The Government may, by notification, amend the Schedule.

(2) Any reference made in this Act to the Schedule shall be considered as relating to the Schedule as for the time being amended in exercise of the powers conferred by sub-section (1).".

7. *Amendment of section* 16, *Tamil Nadu Act VI of* 1948.—In sub-section (1) of section 16 of the principal Act, for the expression " the Code of Criminal Procedure, 1898 (Central Act V of 1898) ", the expression " the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) " shall be substituted.

8. *Substitution of new Schedule for the Schedule to Tamil Nadu Act VI of* 1948.—For the Schedule to the principal Act, the following Schedule shall be substituted, namely :—

THE SCHEDULE.

[(*See* section 2 (7-A).]

I

Offences under the Indian Penal Code.

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232. Counterfeiting Indian coin.

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234. Making or selling instrument for counterfeiting Indian coin.

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240. Delivery of Indian coin possessed with knowledge that it is counterfeit.

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243. Possession of Indian coin by person who knew it to be counterfeit when he became possessed thereof.

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326. Voluntarily causing grievous hurt by dangerous weapons or means.

327. Voluntarily causing hurt to extort property, or to constrain to an illegal act.

328. Causing hurt by means of poison, etc., with intent to commit an offence.

329. Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.

332. Voluntarily causing hurt to deter public servant from his duty.

333. Voluntarily causing grievous hurt to deter public servant from his duty.

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399. Making preparation to commit dacoity.

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454. Lurking house-trespass or house-breaking in order to commit offence punishable with imprisonment.

455. Lurking house-trespass or house-breaking after preparation for hurt, assault or wrongful restraint.

456. Lurking house-trespass or house-breaking by night.

457. Lurking house-trespass or house-breaking by night in order to commit offence punishable with imprisonment.

458. Lurking house-trespass or house-breaking by night after preparation for hurt, assault or wrongful restraint.

459. Grievous hurt caused whilst committing, lurking house-trespass or house-breaking.

460. All persons jointly concerned in lurking house-trespass or house-breaking by night punishable where death or grievous hurt is caused by one of them.

II

Offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956.

SECTION

4 Living on the earnings of prostitution.